

**REMARKS**

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the Applicant has reviewed the First (Non-final) Office Action of June 22, 2005, and submits that this paper is responsive to all points raised therein.

**Interview Summary**

The applicant wishes to thank Examiner Raymond Addie, for the telephone interview conducted with the applicant David Gregg, representatives of the assignee of this application, Jeff Wycoff and Randy Akers, and the undersigned attorney, on July 22, 2005. In the interview, all pending claims 1-7, 9-13 and 15-75 were discussed, as were the references, Jones (U.S. Patent No. 5,022,783) (Jones '783) and Sloan (U.S. Patent No. 1,955,101) (Sloan '101).

Arguments were presented that Jones '783 can not be modified with Sloan '101. These arguments appear in the Remarks below. Amendments to the claims were also suggested by the Examiner and proposed by the applicants, with portions of the suggested and proposed amendments appearing in the claims below. Agreement was not reached at this interview.

**Status of the Claims**

Claims 1-7, 9-13, 15-36, 38-43, 45-65 and 67-90 are presently pending. Claims 1, 12, 13, 19, 29-32, 36, 38, 39, 43, 45, 46, 56, 57, 61 and 65 have been amended. Claims 37, 40, 44 and 66 have been cancelled. New claims 76-90 have been added.

Claims 1, 19, 36, 39, 43, 46 and 61 have been amended as discussed below. Claims 12, 13, 29 and 30 have been amended to change claim dependencies. Claims 31, 32, 38, 45, 57, and

65 have been amended to have proper claim dependencies, and to be consistent with the claims on which they depend.

Rejections Under 35 USC 103(a)

Claims 1, 5, 9, 12, 13, 15, 17, 19, 23-26, 29-32, 34, 36-46, 50, 53, 56, 57, 59, 61, 62, 65-68 and 73 were rejected under 35 USC 103(a) as obvious over Jones (U.S. Patent 5,022,783) (Jones '783), in view of Sloan (U.S. Patent No. 1,955,101) (Sloan '101).

Initially, claims 37, 40, 44 and 66 have been cancelled, whereby rejections thereof are now moot.

Independent claims 1, 19, 46 and 61 have been amended to recite an apparatus for stamping wet concrete. The recited apparatus each include a roller, structure for receiving the roller and structure at the ends of the receiving structure, corresponding to the ends of the roller, for holding separate sets of weights. These separate sets of weights serve to weight the roller at its ends. Also recited is a fluid transport system for providing fluid to the roller along the surface of the roller. For example, this structure allows the roller to be adjustably weighted, to accommodate the various degrees of tightness encountered when working wet concrete.

Jones '783 is directed to an apparatus for working green concrete. Green concrete is concrete has hardened well beyond wet concrete, and in this "green" state, is so tight that it can not be imprinted by weighting. Accordingly, Jones discloses a drum 18 with blades 19. The drum 18 is vibrated with a vibratory mechanism 11, so that the blades 19 can cut the green concrete by "sawing" into it, allowing it to be imprinted. Since Jones '783 imprints concrete by vibratory cutting, it is completely silent as to imprinting concrete by weighting the roller drum

18, as weights are not necessary to augment, and would not add to, the vibratory cutting or sawing forces.

Sloan '101 discloses a device for compacting concrete, to cause a bond between the concrete and the surface it was laid over. This device includes a centrally positioned rotating inertia weight 11, that presses a base 10 into contact with the concrete, when the weight 11 rotates toward the base 10. Plates 16 rest on a shelf 17, above the rotating weight, to keep a force on the base, when the weight 11 is in the upward position. The plates 16 are single sheets.

It is respectfully asserted that Jones '783 can not be modified with Sloan '101, as Jones '783 imprints green concrete with vibrations alone, and does not use weights in any way, as weights would not be of any value when imprinting concrete with blades that cut the concrete by being vibrated. Accordingly, Jones '783 fails to teach or suggest any modifications with weights, such as those taught by Sloan '101. Therefore, Jones '783 remains structurally deficient, as it fails to show the claimed invention including an apparatus for working wet concrete, weight holding structures at the ends of a roller receiving member for weighting the roller.

To weight Jones '783, as taught by Sloan '101, would add nothing to Jones '783. Since Jones '783 teaches imprinting in green concrete by cutting with vibrating blades, weights, as taught by Sloan '101 would not provide any additional forces sufficient to imprint in green concrete. Accordingly, this combination is improper, for absent hindsight, the skilled artisan with Jones '783 and Sloan '101 before them, would lack any motivation to make this combination.

Even if the combination of Jones '783 with Sloan '101 could be made, the proposed combination would fall short of the claimed invention. This is because the plates 16 of Sloan

‘101 are single weights, that place a force on the center of the base. As a single weight, these plates are one set of weights, and in no way, does Sloan teach structure for holding separate sets of weights for weighting at the ends, as recited by the claimed invention. Accordingly, since the Examiner’s proposed combination lacks any structure for holding separate sets of weights for weighting at the ends, the Examiner’s combination of Jones ‘783 and Sloan ‘101 falls short of the claimed invention.

Based on the above, it is respectfully asserted that Jones ‘783 and Sloan ‘101, alone or in any combination, would not render the claimed invention obvious under 35 USC 103(a).

Accordingly, claims 1, 19, 46 and 61 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1, 19, 46 and 61 are not obvious under 35 USC 103(a) over Jones ‘783 in view of Sloan ‘101, claims 5, 9, 12, 13, 15 and 17, 23-26, 29-32 and 34, 50, 53, 56, 57 and 59, and, 62, 65, 67, 68 and 73, respectively dependent thereon, are also not obvious under 35 USC 103(a), in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Claims 36, 39 and 43 are method claims directed to methods for working wet concrete. These also include recitations for weighting a roller at the ends of a receiver portion, by adding weight to holding structures that hold separate sets of weights. The roller has a stamp defining its surface, and a receiver portion that receives the roller, at the oppositely disposed ends of the receiver portion. Claims 36 and 39 also include recitations for directing fluid onto the surface of the roller, while claim 43 directed fluid proximate to the roller. For example, the recited methods allow wet concrete to be worked in accordance with its tightness, by weighting the

receiver portion at its ends, with separate sets of weights at each of the ends, to weight the roller at its ends to accommodate for variations in tightness of the wet concrete.

Jones '783 has been discussed above. That discussion is applicable here.

Sloan '101 has been discussed above. That discussion is applicable here.

As discussed above, the combination of Jones '783 and Sloan '101, would not be made by one skilled in the art. Accordingly, this leaves Jones '783 to stand alone, where it is only directed to methods for working "green" concrete.

Even if the combination of Jones '783 and Sloan '101 could be properly made, the resultant method taught would only be for working "green" concrete and not wet concrete. Also, the recited portion of the method, where the roller is weighted at its ends by weighting the receiver portion at its ends, is not shown, taught nor suggested by Jones '783 or Sloan '101, alone or in combination.

Since the claimed method is not shown by Jones '783 or Sloan '101, alone or in combination, it is respectfully asserted that claims 36, 39 and 43 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 36, 39 and 43 are non-obvious under 35 USC 103(a), claims 38, 41, 42, and 45, respectively dependent thereon, are also non-obvious under 35 USC 103(a) in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Claims 2-4, 6-7, 10, 16, 18, 20-22, 24, 25, 27, 33, 35, 47-49, 51, 52, 54, 58, 60, 63,64, and 69-72 were rejected under 35 USC 103(a) as obvious over Jones '783 in view of Sloan '101, as applied to claims 1, 19, 46 and 61, and in further view of Zieger, et al. (U.S. Patent No. 5,846,176) (Zieger '176).

Claims 1, 19, 46 and 61 are the independent claims, on which claims 2-4, 6-7, 10, 16, 18, 20-22, 24, 25, 27, 33, 35, 47-49, 51, 52, 54, 58, 60, 63,64, and 69-72, respectively depend.

Claims 1, 19, 46 and 61 have been discussed above. Those discussions are applicable here.

Jones '783, Sloan '101, and their inability to be properly combined, have been discussed above. These discussions are applicable here.

Zieger '176, is directed to a concrete finishing roller tool with a roller 12 that seats in a U-shaped frame 16. The roller body 12 is weighted by being filled with concrete or sand, that is evenly distributed along the length of the roller body 12. Water, stored in a bottle 28, flows through a hose 32 and into conduits 36 for irrigating the roller body 12, that in combination with the bristles 43, keeps the roller body 12 free of concrete debris.

Zieger '176, as stated previously, fails to show, teach or suggest, structure for weighting the ends of U-shaped frame, as it is directed to weighting the roller body. Additionally, the water flow onto the roller body of Zieger '176 is for removing concrete debris from the roller body, and therefore, Zieger '176 also includes brush bristles 43 for removing concrete particles from the roller body. Zieger '176 is silent as to dispensing fluid for releasing the roller body from the concrete.

Based on the above, Zieger '176 fails to add any structure to Jones '783, and/or Sloan '101. Accordingly, the Examiner's proposed combinations of references, remains short of the claimed invention. Claims 1, 19, 46 and 61 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1, 19, 46 and 61 are non-obvious under 35 USC 103(a), claims 2-4, 6-7, 10, 16, and 18, 20-22, 24, 25, 27, 33, and 35, 47-49, 51, 52, 54, 58, and 60, and, 63,64, and 69-72,

respectively dependent thereon, are also non-obvious under 35 USC 103(a) in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Claims 11, 18, 28, 35, 55, 60, 64 and 69, were rejected under 35 USC 103(a) as obvious over Jones '783 in view of Sloan '101, as applied to claims 1, 19, 46 and 61, and in further view of Brimo (U.S. Patent No. 4,776,723) (Brimo '723).

Claims 1, 19, 46 and 61 are the independent claims, on which claims 11 and 18, 28 and 35, 55 and 60, and, 64 and 69, respectively depend. Claims 1, 19, 46 and 61 have been discussed above. Those discussions are applicable here.

Jones '783, Sloan '101, and their inability to be properly combined, have been discussed above. These discussions are applicable here.

Brimo '723 is directed to patterns in flat mats and has nothing to do with rollers for working concrete, like that of Jones '783 or Sloan '101.

Accordingly, Brimo '723 fails to add anything to Jones '783 and Sloan '101, and accordingly, the combination of Brimo '723 with Jones '783 and Sloan '101 remains deficient for the same reasons as the combination of Jones '783 and Sloan '101, as discussed above.

Based on these reasons, it is respectfully asserted that the Brimo '723 disclosure does not provide any teachings or suggestions, that if combined with Jones '783 and Sloan '101, would arrive at the claimed invention. Accordingly, it is respectfully asserted that claims 1, 19, 46 and 61 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1, 19, 46 and 61 are non-obvious under 35 USC 103(a) in view of the cited art, claims 11 and 18, 28 and 35, 55 and 60, and, 64 and 69, dependent on claims 1, 19, 46 and 61, respectively, are also non-obvious under 35 USC 103(a) in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Additional Remarks and Conclusion

New claims 76-90 have been added to round out the scope of the invention. It is respectfully asserted that these claims are allowable over the art of record.

Claims 76-79, are dependent on claims 1, 19, 46 and 61 respectively. These claims positively recite weights and weighted members to be used with the apparatus of claims 1, 19, 46 and 61, respectively. As independent claims 1, 19, 46 and 61, are allowable over all art of record, it is respectfully asserted that claims 76-79 are allowable over the art of record for the same reasons. These claims additionally distinguish the claimed invention over the cited art.

Claims 80-90 include independent claim 80. Claim 80 is similar to claims 1, 19, 46 and 61 in that it recites an apparatus for stamping wet concrete with separate sets of weights to weight the roller at its ends. This claim adds the further limitation of defining the separate sets of weights.

Claims 81-90 are dependent on claim 80. As claim 80 recites additional limitations when compared to claims 1, 19, 46 and 61, it is believed to be allowable over the art of record. Since independent claim 80 is believed to be allowable over the art of record, claims 81-90, respectively dependent thereon, are also allowable over the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

**PATENT**  
Attorney Docket No. 65936  
Express Mail Label No. EV 471184612 US

Allowance of all pending claims, 1-7, 9-13, 15-36, 38-43, 45-65 and 67-90, is  
respectfully requested.

Respectfully submitted,

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Date: August 23, 2005

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